

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

COPY FOR CONTINUING
APPLICATION

#4

Declaration for Patent Application

As a named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated next to my name;

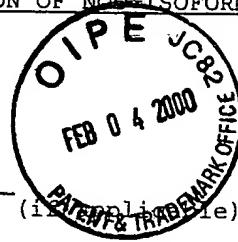
I believe I am the original, first and sole inventor (if only one name is listed) or an original, first and joint inventor (if plural names are listed in the signatory page(s) commencing at page 3 hereof) of the subject matter which is claimed and for which a patent is sought on the invention entitled

APPLICATIONS FOR REGULATORY REGION OF NOS. ISOFORMS

the specification of which (check one)

is attached hereto.

was filed on July 12, 1996 as
Application Serial No. 08/679,006
and was amended on _____ (if applicable).



I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is known by me to be material to patentability as defined in 37 C.F.R. §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Priority
Not
Claimed

(Number)	(Country)	(Day/Month/Year filed)	[]
(Number)	(Country)	(Day/Month/Year filed)	[]
(Number)	(Country)	(Day/Month/Year filed)	[]

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below.

(Application Number)	(Filing Date)
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I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose information known by me to be material to patentability as defined in 37 C.F.R. §1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

(Application Serial No.) (Filing date) (Status, patented,
pending, abandoned)

(Application Serial No.) (Filing date) (Status, patented,
pending, abandoned)

As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

I also hereby grant additional Powers of Attorney to the following attorney(s) and/or agent(s) to file and prosecute an international application under the Patent Cooperation Treaty based upon the above-identified application, including a power to meet all designated office requirements for designated states.

David E. Brook	Registration No. 22,592
James M. Smith	Registration No. 28,043
Leo R. Reynolds	Registration No. 20,884
Richard A. Wise	Registration No. 18,041
Patricia Granahan	Registration No. 32,227
Mary Lou Wakimura	Registration No. 31,804
Thomas O. Hoover	Registration No. 32,470
Alice O. Carroll	Registration No. 33,542
N. Scott Pierce	Registration No. 34,900
Carolyn S. Elmore	Registration No. 37,567
Elizabeth W. Mata	Registration No. 38,236

all of Hamilton, Brook, Smith and Reynolds, P.C., Two Militia Drive, Lexington, Massachusetts 02173;

and

Send correspondence to: David E. Brook, Esq.

Hamilton, Brook, Smith & Reynolds, P.C.
Two Militia Drive, Lexington, Massachusetts 02173

Direct telephone calls to: David E. Brook, Esq.

617-861-6240

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole
or first inventor John C. Salerno

Inventor's
Signature John Salerno Date 9/10/96

Residence 8 Lansing Avenue

Troy, New York 12180

Citizenship U.S.A.

Post Office Address same as above

Full name of second joint
inventor, if any _____

Second Inventor's

Signature _____ Date _____

Residence _____

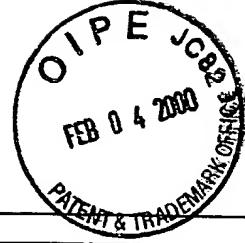
Citizenship _____

Post Office Address _____



EWM41:JCS96-01.DC2

VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) & 1.27(c))-SMALL BUSINESS CONCERN



DOCKET NUMBER: JCS96-01Z

Applicant or Patentee: John C. Salerno

Serial or Patent No.: 09/398,405

Filed or Issued: September 16, 1999

Title: ACTIVATORS OF ENDOTHELIAL NITRIC OXIDE SYNTHASE

I hereby declare that I am

the owner of the small business concern identified below:
 an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN Apex Bioscience, Inc.

ADDRESS OF SMALL BUSINESS CONCERN 2810 Meridian Parkway, Suite 120
Durham, North Carolina 27713

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12 and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:

the specification filed herewith with title as listed above.
 the application identified above.
 the patent identified above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention must file separate verified statements averring to their status as small entities, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization having any rights in the invention is listed below:

no such person, concern, or organization exists.
 each such person, concern or organization is listed below.

John C. Salerno, Ph.D.

Separate verified statements are required from each named person, concern, or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Joseph DeAngelo

TITLE OF PERSON IF OTHER THAN OWNER Vice President, Research

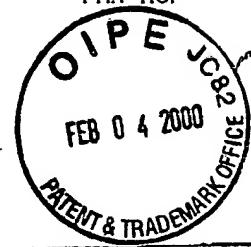
ADDRESS OF PERSON SIGNING Apex Bioscience, Inc., 2810 Meridian Parkway, Suite 120, Durham, NC 27713

SIGNATURE Joseph DeAngelo DATE 10/5/99

OCT-05-99 TUE 12:25 PM

P. 03

FAX NO.



DOCKET NUMBER: JCS96-01

**VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) & 1.27(b))—INDEPENDENT INVENTOR**

Applicant or Patentee: John C. SalernoSerial or Patent No.: 08/679,006Filed or Issued: July 12, 1996Title: ACTIVATORS OF ENDOTHELIAL NITRIC OXIDE SYNTHASE

As a below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 CFR 1.9(c) for purposes of paying reduced fees to the Patent and Trademark Office described in:

the specification filed herewith with title as listed above.

the application identified above.

the patent identified above.

I have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(c).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed any rights in the invention; each person, concern or organization to which I am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention; or each person, concern or organization having any rights in the invention is listed below:

no such person, concern, or organization exists.

each such person, concern or organization is listed below.

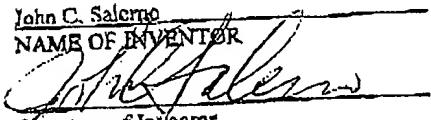
Apex Bioscience, Inc.

Separate verified statements are required from each named person, concern, or organization having rights to the invention according to their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

John C. Salerno
NAME OF INVENTOR


Signature of Inventor

10/22/99

Date